

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

### **Claim Amendments**

Claims 1-42 are canceled.

Claims 43-47 are amended above.

New claims 49-56 are added above.

In claims 43-45, as amended above, the term “HIF hydroxylase inhibitor” is replaced with the term “heterocyclic carbonyl glycine compound which inhibits a HIF hydroxylase” as discussed in the 26 January 2009 interview. Support for the term “heterocyclic carbonyl glycine” is found in the specification as filed, for example, at page 36, [0137]. Claim 46 is amended above to be consistent with the amendments to claims 43-45. Claim 47, as amended above, removes dependency from canceled claims. Support for new claims 49-56 is found in the specification as filed at page 37, [0139].

This Amendment adds and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, *supra*, with appropriate defined status identifiers.

Applicants submit that no new matter is added by any of the above amendments and entry of these amendments is therefore respectfully requested. Applicants specifically reserve the right to file continuing applications directed to any canceled subject matter.

After amending the claims as set forth above, claims 43-56 are now pending in this application.

**Interview Summary**

Applicants thank Examiners Teller and Tate for the courtesy extended to the undersigned, Gerald Swiss (Reg. No. 30,113), and James Nesbitt (Reg. No. 54,575) during an in-person interview held on January 26, 2009 to discuss the above-noted application. During the interview, no exhibit was shown nor was any demonstration conducted.

During the interview, previously pending claims 38 to 48 were discussed. Particularly, inclusion of the term “heterocyclic carbonyl glycine compound which inhibits a HIF hydroxylase” in place of the term “HIF $\alpha$  stabilizer” and “HIF hydroxylase inhibitor” was discussed. The Interview Summary Form PTOL-413 (Paper No. 0109) provided by Examiner Tate is accurate.

The amendments provided above reflect what was discussed during the interview. In light of these amendments and the previously filed remarks provided in the Request for Continued Examination filed on December 19, 2008, Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended above is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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